REMARKS

At the time the current Final Office Action was mailed, the Examiner rejected claims 1-21 and 23-25. By the present response, Applicant has amended claims 1, 12, 14, 15, and 18-21 and canceled claims 6, 8, and 9 to further prosecution of the present application. Claims 16, 17 and 22 were previously canceled. In view of the foregoing amendments and following remarks, Applicant respectfully requests reconsideration and allowance of all pending claims.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1, 6, 8, 15 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Admitted Prior Art (hereinafter "AAPA") in view of "The Windows NT Command Shell" by Tim Hill (hereinafter "Hill")(1998) and claims 2-5, 7, 9-14, 18-20 and 23-25 under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Hill, in view of Buxton, (US Patent No. 6,182,279, hereinafter "Buxton") and further in view of Hlava, (US Patent No. 6,681,265, hereinafter "Hlava"). Applicant respectfully traverses this rejection.

Legal Precedent

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (B.P.A.I. 1979). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). However, it is not enough to show that all the elements exist in the prior art since a claimed invention composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR International Co. v. Teleflex Inc.*, 82 U.S.P.Q.2d 1385, 1396. (2007). It is important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. *Id*. Specifically, there must be some articulated reasoning with a rational underpinning to support a conclusion of obviousness; a conclusory statement will not suffice. *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Indeed, the factual inquiry determining whether to combine references

must be thorough and searching, and it must be based on *objective evidence of record*. *In re Lee,* 61 U.S.P.Q.2d 1430, 1436 (Fed. Cir. 2002).

Deficiencies of the Rejection of independent claims 1, 15, and 21

Applicant has amended claims 1, 15, and 21 to remove the claim element "a shared system memory." As amended, independent claim 1 recites, *inter alia*, "storing the command line utility output in a system registry database at a location identified by the identifier." Similarly, amended independent claim 15 recites, *inter alia*, "instructions for causing the computer to … store the command line utility output in a system registry database at a location identified by the identifier." Finally, amended independent claim 21 recites, *inter alia*, "a system registry database having a location identified by the identifier, the location identified by the identifier to store an output of the command line utility."

In the rejection, the Examiner stated that Hill discloses a "redirection symbol" that "redirects command output to the specified file." Final Office Action mailed April 24, 2009, pages 3-4. In the Examiner's response, the Examiner stated that "here examiner interprets 'system storage' as including a temporary file as discussed in AAPA because the 'system storage' of the claims is not limited to 'a system registry.'" *Id.*, page 14. However, as amended, independent claims 1, 15, and 21 no longer recite "shared system memory." Amended claims 1, 15, and 21 each include storing "command line utility" output in "a system registry." Applicant asserts that the "system registry" recited in claims 1, 15, and 21 is clearly not a "temporary file" as asserted by the Examiner to be disclosed in AAPA and as would be used with the technique cited in Hill. Further, neither Hill nor AAPA disclose storing "command line utility" output in "a system registry." Thus, claims 1, 15, and 21 clearly distinguish over storing the "command line utility output" in a temporary file as cited by the Examiner in AAPA or Hill.

For at least these reasons, the cited combination does not disclose all elements of independent claims 1, 15, and 21. Accordingly, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of claims 1, 15, and 21.

Deficiencies of the Combination of the Rejection of Claims 2-14, 16-20, and 23-25

The Examiner rejected claims 2-14, 16-20, and 23-25 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Hill, Buxton, and Hlava.

Claims 2-14 are dependent on claim 1, claims 16-20 are dependent on claim 15, and claims 23-25 are dependent on claim 21. As discussed above with regard to the first ground of rejection under 35 U.S.C. § 103(a), Hill does not disclose storing the "command line utility output" in a "system registry database." Buxton and/or Hlava do not cure this deficiency of Hill with regard to the base claims 1, 15, and 21. Accordingly, the cited combination does not disclose or suggest all of the elements of the claimed invention, and thus, cannot possibly render the claimed subject matter obvious.

As previously stated, Applicant asserts that Buxton teaches away from such a combination with Hill and Hlava. Hill is a reference directed to the "Windows NT Command Shell." Hill, page 1. The descriptions in Hill concern usage of the "command shell," a "command prompt," i.e., a command line, and various commands executed from the "command shell" by typing these commands into the "command prompt." *Id.* Similarly, Hlava is directed to "command files" that are described therein as "a file containing one or more command line operations." Hlava, col. 4, lines 10-20. Thus, both Hill and Hlava are directed to usage of the "command line" and various commands executed from the command line. As previously argued, Buxton discloses "OLE libraries" that are defined as "system-level services which utilize the interfaces defined by the COM specification" that call a "WIN 32 API." Buxton, col. 8, lines 6-8. Applicant asserts that there is a clear difference between a *service* and a *command executed from the command prompt* as recited in Hill, and between a *service* and a *command line operation* as recited in Hlava. Further, as known to those of ordinary skill in the art and as stated in Buxton, API's are "application program interfaces" which are also quite different than a utility and a "command line utility." As they are described in Buxton, neither "application program interfaces" nor "system-level services" are "executable from a command line prompt," and thus

cannot be considered a "command line utility." Applicant asserts one skilled in the art would not seek to combine Hill and Hlava, directed to command line usage, with Buxton, directed to usage of system-level services, e.g., OLE libraries.

In the Examiner's response, the Examiner stated that Hlava "teaches that it would be advantageous to store information in the system registry." Further, the Examiner states that Hlava "recognized that using command line utilities to interact with a Win32 API is preferable to programs." Applicant disagrees with this characterization of Hlava. Nowhere does Hlava state that "using command line utilities to interact with a Win32 API is preferable to programs," as suggested by the Examiner. In the Background of the Invention, Hlava contrasts the use of the "system registry" against the use of "environment variables" to store information. Hlava, col. 1, lines 27-44. In particular, Hlava notes the difficulty in accessing such environment variable information using command files. *Id.* Command files are not the same as "command line utilities." Command files refer to files containing scripts, such as batch files, that can execute a script of command, some of which may include command line utilities. Hlava is directed to and primarily discusses using a "command file generator program" to access the "data store", e.g., registry. Thus, Hlava does not teach that "command line utilities" interact with a Win32 API, but instead uses the "command file generator program" to access the data store via the data store API. See *Id.*, col. 6, lines 56-59 (stating "[a] command file generator program, "cmbld.exe", is invoked inside the header 410 of the command file 400 to access registry data."). Applicant asserts that this interpretation of Hlava precludes Hlava from curing the deficiencies of Hill discussed above.

Further, Applicant asserts that not only does Hlava not disclose the features of independent claims 1, 15, and 21, but it teaches away from the claimed invention. As amended, independent claims 1, 15, and 21 recite storing command line utility output in a "system registry database." Applicant notes that Hlava maintains use of a "temporary command file." As previously stated, Applicant's claims are directed to providing command line utility output to applications without the need for temporary files. Specification, lines 16-17. Further, because

the combination of Hill, Buxton and Hlava would have to remove the temporary file of Hlava in order to obviate claims 2-14, 16-20, and 23-25, Applicant asserts that such a modification would change the "principle of operation" of Hlava. *See* M.P.E.P. 2143.01 (VI).

Accordingly, Applicant respectfully requests withdrawal of the rejection of under 35 U.S.C. § 103(a) and allowance of claims 2-14, 16-20, and 23-25.

Conclusion

In view of the remarks and amendments set forth above, Applicant respectfully requests reconsideration of the Examiner's rejections and allowance of all pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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